

APPEAL NO. 040645  
FILED MAY 13, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing was held on February 24, 2004. With respect to (Docket No. 1), the hearing officer determined that the compensable injury of (date of injury for docket no. 1), includes an injury to the low back after (date of injury for docket no. 2). In (Docket No. 2), the hearing officer determined that the compensable injury of (date of injury for docket no. 2), does not include an injury to the low back. In its appeal, the appellant, (carrier 1), argues that the determination that the (date of injury for docket no. 1), compensable injury includes a low back injury after (date of injury for docket no. 2), is against the great weight of the evidence, contending that respondent 2's (claimant) low back condition was caused by the (date of injury for docket no. 2), compensable injury. In its response to carrier 1's appeal, respondent 1, (carrier 2), urges affirmance. The appeal file does not contain a response to the appeal from the claimant.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of (date of injury for docket no. 1), includes an injury to the low back after (date of injury for docket no. 2). That issue presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence on the issue of whether the claimant's low back condition was a continuation of his (date of injury for docket no. 1), compensable injury or whether it was causally related to the (date of injury for docket no. 2), compensable injury. The hearing officer determined that while the (date of injury for docket no. 2), 10-foot fall caused a worsening of the symptoms in the claimant's low back, it did not cause additional damage or harm to the physical structure of the claimant's lumbar spine. The hearing officer was acting within her province as the fact finder in so finding. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of insurance carrier 1 is **HIGHLANDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CHARLIE MILLER  
10200 RICHMOND AVENUE, SUITE 175  
HOUSTON, TEXAS 77042.**

The true corporate name of insurance carrier 2 is **SERVICE LLOYDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH KELLEY-GRAY, PRESIDENT  
6907 CAPITAL OF TEXAS HIGHWAY NORTH  
AUSTIN, TEXAS 78755.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Veronica L. Ruberto  
Appeals Judge